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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

No. 75-722

INTERNATIONAL ASSOCIATION OF MACHINISTS and AEROSPACE WORKERS, AFL-CIO,

Petitioner,

—v.—

REA EXPRESS, INC., Debtor, REA EXPRESS, INC., Debtor-in-Possession,

Respondent.

SUPPLEMENT TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

STEPHEN C. VLADECK
VLADECK, ELIAS, VLADECK & LEWIS, P.C.
Attorneys for Petitioner
1501 Broadway
New York, New York 10036
(212) 221-2550

and

PLATO E. PAPPS
1300 Connecticut Avenue, N. W.
Washington, D. C. 20036
General Counsel, International Association of Machinists and Aerospace Workers, AFL-CIO
(202) 785-2525

STEPHEN C. VLADECK
SHELDON ENGELHARD
ROBERT L. JAUVTIS
Of Counsel

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Pursuant to the Court's Rule 24(5), the petitioner, International Association of Machinists and Aerospace Workers, AFL-CIO ("IAM"), submits this supplement to its petition for a writ of certiorari, docketed on November 17, 1975, in light of events which have taken place subsequent to the preparation and printing of the petition.

Specifically, on November 6, 1975, after a hearing held before Bankruptcy Judge John J. Galgay, the respondent, REA Express, Inc. ("REA"), was adjudicated a bankrupt under the provisions of the Bankruptcy Act (11 U.S.C. §776). Notwithstanding the adjudication, the issue presented by the petition is not rendered moot, since the

question of whether the rejection of a collective bargaining agreement is permissible pursuant to Section 313(1) of the Bankruptcy Act (11 U.S.C. §713(1)) where the parties are subject to the provisions of the Railway Labor Act (45 U.S.C. §151, *et seq.*) may determine the viability of claims on behalf of employees and former employees of REA covered by such collective bargaining agreement. REA has also taken the position that the issue is clearly not moot (see *Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees, AFL-CIO* v. *REA Express, Inc.*, Docket No. 75-553, Brief in Opposition to Petition, at 4).

For all the reasons heretofore stated, the petition for a writ of certiorari should be granted.

Respectfully submitted,

STEPHEN C. VLADECK
VLADECK, ELIAS, VLADECK &
LEWIS, P.C.
Attorneys for Petitioner

and

PLATO E. PAPPS
General Counsel, International Association of Machinists and Aerospace Workers, AFL-CIO

December, 1975